

Remarks/Argument

Claim Summary

By this Amendment, claims 2-6, 12, 13, 15 and 18 have been revised, and non-elected claim 1 has been canceled without prejudice or disclaimer.

Claims 2-20 remain pending in the application.

35 U.S.C. ¶112, second paragraph

Claims 1, 12 and 13 have been revised to address the informalities identified by the Examiner. In particular, claim 1 has been revised to include heating of the composition during the dissolving stage, and claims 12 and 13 have been revised to depend from claims 10 and 7, respectively.

Allowable Subject Matter

Applicants acknowledge with thanks the indicated allowability of dependent claims 4, 5 and 7-10.

35 U.S.C. ¶103

Claims 2-3, 6 and 11-20 were rejected under 35 U.S.C. ¶103 as being unpatentable over Kemmochi et al., taken alone or in combination with Maxfield et al., for the reasons stated at pages 3-5 of the Office Action. Applicants respectfully traverse this rejection with respect to the now-pending claims.

In the Office Action, the Examiner states:

“Kemmochi et al. disclose [that] ... [s]ubsequent to the high temperature digestion, the sample is cooled to room temperature and diluted with pure water (col. 4, lines 15-17). The so-dissolved sample is then analyzed.” (Emphasis added.)

In fact, however, Kemmochi et al. teaches vaporization and dissipation processes which result in “impurities alone ... left in the vessel in a dried-up state without any liquid phase” (col. 4, lines 1-5). The dried material is then subjected to alkali fusion (col. 4, lines 9-10), and the resultant solid alkali salt is dissolved in pure water (col. 4, lines 15-16). The sample is not “diluted” with water as suggested by the Examiner.

In an effort to expedite prosecution, claim 1 and its dependents have been amended herein to clarify that the dissolving step includes two temperature heating steps, and that the diluting step includes diluting the cooled chemical composition solution containing the dissolved sample with deionized water. Diluting a solution with deionized water as in claim 1 clearly distinguishes over the dissolving of solid alkali salt in pure water as taught by Kemmochi et al.

For at least the reasons stated above, Applicants respectfully contend that claims 2-3, 6 and 11-20 define over Kemmochi et al., taken alone or combination with Maxfield et al.

Conclusion

No other issues remaining, reconsideration and favorable action upon the claims 2-20 now pending in the application are requested.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, PLLC



Adam C. Volentine
Reg. No. 33,289

November 23, 2005

Volentine Francos & Whitt, PLLC
One Freedom Square
11951 Freedom Drive, Suite 1260
Reston VA 20190
Tel. (703) 715-0870
Fax (703) 715-0877